

Date of Filing : 02.11.2012
Date of Order: 05.04.2013
BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, KARUR

PRESENT: Thiru.P. RAMAKRISHNAN, M.A.,B.L., President Thiru P.VISHAKAN, B.Sc.,
Member CONSUMER COMPLAINT NO. 20 / 2012FRIDAY, THE 5th DAY OF APRIL 2013

N. Arasakumaran,s/o R. Nallusamy,Veeranampalayam,Mookanankurichi Post,Karur 639 005
... Complainant-versus-

The Public Information Officer and Member

Secretary / Director,TRB Teacher Recruitment Board,E.V.K. Sampath Maaligai, 4th Floor,Chennai 600 006.
... Opposite party

This complaint coming on 28th day of March 2013 for final hearing before us in the presence of complainant, In person and the opposite party have chosen to set exparte and after hearing the complainant and perused the documents and having stood over till this day for consideration, this Forum passed the following:

ORDER

1. The brief averments averred in the complaint are as follows:

On 27.5.2012 the complainant appeared for the Economics Examination in the Teachers Recruitment Board in Cheran Matriculation School at Vennaimalai in Karur with roll number 10170080. On 25.6.2012, the complainant has downloaded the TRB answer sheet (C) through internet. A doubt came to the mind of the complainant for question Nos. 16, 103, 104, 76 and 28. The complainant sent petition to the opposite party under the Right Information Act asking explanation by giving notes for 3 questions and explanation for 2 questions without giving notes. On 27.7.2012, the opposite party sent a reply to the complainant. The opposite party released the Answer sheet (C) and list of candidates calling for certificate verification. The complainant got mental agony on seeing the same. The opposite party furnished 2 answers each for 3 questions as if the answers coming as 7. C/D 16. B/C, 103 A/C. The opposite party did not furnish any explanation for the other 3 questions. The opposite party furnished particulars as 63 *, 77*, 114* for 3 questions without giving any answer.

2. On 30.7.2012, the complainant again sent petitions to the opposite party under Right to Information Act requesting the opposite party to furnish one correct answer for each question and also regarding the appointment on the basis of OC, BC, MBC and SC. It is mentioned in that letter as

16	03	04	6	8	3	7	14
B/C	N/C	C	B	A	*	*	*

It is also mentioned in the letter sent to the opposite party that no service benefits available to the MBC and SC candidates in the Teachers Recruitment Board if the selection has been done on that basis and a kind of mental agony also caused to the candidates whose selection has been done on the basis of candidates belonging to MBC and SC. The acknowledgement has been received as if the petition sent by the complainant reached the opposite party on 2.8.2012. The official act of verifying the certificates by the opposite party resulted mental agony to the complainant. Again on 14.8.2012, the complainant sent petitions to the opposite party under Right to Information Act requesting why the names of candidates did not come in the process of verifying the certificates at G.T. even if the candidates belonging to MBC scored high marks. The opposite party did not furnish any reply for the petitions sent on 30.7.2012 and 14.8.2012. The complainant would have got more opportunity to be appointed in the post of Post Graduate Assistant since the complainant being a post graduate candidate. The resulting of non furnishing reply by the opposite party caused mental agony to the complainant. Therefore, it is prayed that this Honourable Forum is to direct the

opposite party to furnish reply for the letters sent by the complainant on 30.7.2012 and 14.8.2012 and also to award a sum of Rs. 5000/- towards compensation for mental agony to the complainant.

3. Even though the notices sent by this Forum has received by the opposite party they have neither appeared before this Forum nor filed any written version on their side. So, they called absent and set Exparte.

4. The points for consideration are

i) Whether the opposite party has committed any deficiency in service on their part?

ii) If so, to what relief the complainant is entitled ?

< 5. POINT No.1 : The complainant filed a proof affidavit and marked Exhibits A1 to A13 on his side to prove his own case. The complainant is claiming a sum of Rs. 5,000/- towards compensation for mental agony. It is the contention of the complainant that on 27.5.2012 the complainant wrote TRB Economics Examination at Cheran Matriculation School, Vennaimalai, Karur. Exhibit A1 is the Written Competitive Examination for direct recruitment of Post Graduate Assistants (2011–2012). The doubt arose for the complainant in the answers published by the opposite party in the internet for question Nos. 16, 103, 104, 76 and 28. The complainant has sent Exhibit A2 petition on 26.6.2012 under Right to Information Act, along with short notes found in text books for clarifying the doubt. Exhibit A10 is the reply sent by the opposite party to the complainant. The complainant contended that the opposite party published the Answer sheet (C) and list for calling candidates for certificate verification. In the answer sheet, the opposite party published 2 answers for a single question, namely, 7. C/D 16. B/C, 103 A/C and for other three questions as 63 *, 77*, 114 * without furnishing any answer. These actions of the opposite party caused mental agony to the complainant. Exhibit A7 is the answer key published by the opposite party which reveals that no answer has been given to 3 questions, namely, 63, 77 and 114 and 2 answers have been given to each 3 questions, namely, 7. C/D 16. B/C, 103 A/C. The complainant contended that on 30.7.2012 he sent a petition, Exhibit A3, to the opposite party under Right to Information Act requesting to furnish one correct answer for each question and also regarding the appointment on the basis of OC, BC, MBC and SC. As the opposite party has not given any reply to the complainant within the stipulated time, the complainant again sent Exhibit A4 petition on 14.8.2012 under Right to Information Act to the opposite party requesting why the names of candidates did not come in the process of verifying the certificates at G.T. even if the candidates belonging to MBC scored high marks. But the opposite party has not given any answer for the letters dated 30.7.2012 and 14.8.2012 which caused great mental agony to the complainant. Exhibits A12 and A13 are the postal acknowledgements which show that the opposite party has received the above said two letters. The complainant would contend that he would have got more opportunity to be appointed in the post of Post Graduate Assistant since the complainant being the post graduate candidate. The non furnishing of the information sought by the complainant at the opposite party caused mental agony and mental pain to the complainant. The opposite party has not preferred to appear before this Forum even though they have received three notices sent by this Forum. So, we decide that the opposite party has no defense to this complaint. It is the bounden duty of the opposite party to reply for the information sought by the complainant for the letters dated 30.7.2012 and 14.8.2012 for which the acknowledgements have been received by the complainant. It is the clear cut contention of the complainant that if the information asked by the complainant is furnished by the opposite party then there is every probability and possibility for the complainant to be posted as graduate assistant due to his educational qualification of post graduate degree. But the information sought for is not furnished by the opposite party resulting the loss to the complainant causing deficiency of service and mental agony to the complainant. Therefore, we hold that the opposite party has committed deficiency in service on his part. Point No.1 is decided accordingly.

6. POINT No.2 : The complainant prays this Forum to direct the opposite party to furnish the reply for the letters of the complainant dated 30.7.2012 and 14.8.2012 and to pay Rs. 5000/- towards compensation for mental agony. If this Forum directs the opposite party to furnish the reply at this stage then the complainant would not make a contention that the opposite party caused mental agony. Moreover, the deficiency of service is attributed to the opposite party since the reply is not furnished within the stipulated time. This Forum can now direct the opposite party to give the reply. But if it directs so, then the complainant cannot sit upon the factum of deficiency of service. If this prayer is ordered then the complaint filed by the complainant would become meaningless as the stipulated period is over for furnishing reply for the letters dated 30.7.2012 and 14.8.2012. Therefore, this Forum is not inclined to pass such an award except awarding a compensation of Rs.5,000/- to the complainant for causing deficiency of service and mental agony with a cost of Rs.500/-. So, in view of the above discussions, we hold that the opposite party is liable to pay Rs.5000/- towards compensation for deficiency and mental agony and to pay Rs.500/- towards cost of this complaint to the complainant. Point No.2 is decided accordingly.

7. In the result, the opposite party is directed to pay Rs. 5,000/- (Rupees five thousand only) towards compensation for deficiency in service and mental agony and to pay Rs. 500/- (Rupees five hundred only) towards costs of this complaint to the complainant within 60 days from the date of this order.

Dictated to the Head clerk/Steno-typist, transcribed by her, corrected and pronounced by us in Open Forum this, the 5th day of April 2013.

Sd/-

PRESIDENT

Sd/- MEMBER

Exhibits on the side of the complainant

		omics Question paper for Written competitive examination for recruitment of Post Graduate Assistants	
	2012	of the complainant addressed to the Director of Teachers itment Board, Chennai	
	2012	on under Right Information Act sent by the complainant to the site party	
	2012	on under Right Information Act sent by the complainant to the site party	
		of candidates called for certificate verification for the tment of post graduate Assistants for the year 2011-2012	
		er sheet for Book (C) of Teachers recruitment Board, hai	
		er sheet for Book (C) of Teachers recruitment Board, hai	
		loaded Marksheet of the complainant	
		OMR sheet	Xe
	2012	of the opposite party addressed to the complainant	
		hunity certificate of complainant	
	012	l acknowledgement of opposite party	
	2012	l acknowledgement of opposite party	

Exhibits on the side of the opposite party : NIL

Sd/-

MEMBER

Sd/-

PRESIDENT